

UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

KERRY BEGAY,

Plaintiff,

v.

Civ. No. 22-70 JB/GJF

SAN JUAN COUNTY ADULT
DETENTION CENTER, et al.,

Defendants.

ORDER DENYING MOTION FOR EXAM OR TRANSPORT

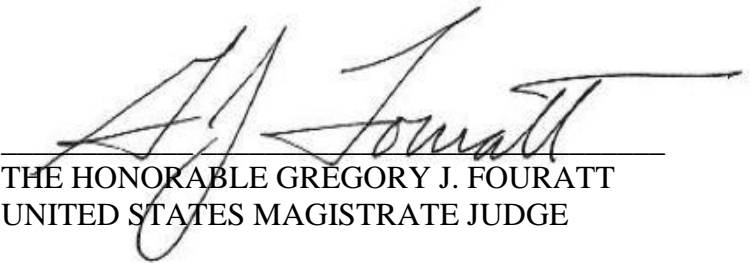
THIS MATTER is before the Court on Plaintiff's Motion for Medical Examination and X-Ray Transport [ECF 9] (Motion). Plaintiff is incarcerated, *pro se*, and proceeding *in forma pauperis*. His Amended Civil Rights Complaint alleges detention officers applied excessive force and were deliberately indifferent to medical needs. In the instant Motion, Plaintiff seeks a physical/mental examination and transportation for an x-ray to determine the extent of his injuries. It is unclear whether Plaintiff seeks discovery or substantive relief on his deliberate indifference claim. Either way, such relief is premature at this stage.

Before ordering discovery or substantive relief, the Court must screen the Amended Complaint filed December 23, 2022 [ECF 15] pursuant to 28 U.S.C. § 1915(e). *Sua sponte* dismissal is required if the Amended Complaint is frivolous, malicious, or fails to state a cognizable claim. *See* 28 U.S.C. § 1915(e). Section 1997(e) of Title 42, United States Code, provides that a defendant is not required to reply to any action brought by an inmate until the Court orders a response. *See* 42 U.S.C. § 1997e(g)(1)–(2). Prisoner petitions are also excluded from pre-trial case management procedures, including discovery obligations, under the Court's local rules. *See* NMLR 16.3(d). Based on these authorities, the Court will not order discovery or further

action by Defendants unless and until Plaintiff's allegations survive initial review. Plaintiff may renew his request after the screening process is complete, assuming that this case is not dismissed.

IT IS THEREFORE ORDERED that Plaintiff's Motion for Medical Examination and X-Ray Transport [ECF 9] is **DENIED WITHOUT PREJUDICE**.

SO ORDERED.



THE HONORABLE GREGORY J. FOURATT
UNITED STATES MAGISTRATE JUDGE